

cu



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,188	02/04/2002	Matthew R. Konieczny	282829-00043	5265

7590

01/29/2004

William F. Lang, IV
Eckert Seamans Cherin & Mellott, LLC
44th Floor
600 Grant Street
Pittsburgh, PA 15219

EXAMINER

ELEY, TIMOTHY V

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 01/29/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,188

Applicant(s)

KONIECZNY, MATTHEW R. *OK*

Examiner

Timothy V Eley

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,5-13 and 15 is/are allowed.
- 6) ☒ Claim(s) 1,4 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3724

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,4, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingel(5,759,086), as applied in the rejection on page 2 of paper number 4.

Response to Arguments

3. Applicant's arguments filed November 10, 2003 have been fully considered but they are not persuasive.

a. Applicant argues that Klingel does not disclose any means for removing nozzles from a desired position, and then quickly and precisely returning them to that position.

i. It should be noted that applicant never recites "means for removing" nozzles from a desired position, and then "quickly and precisely returning them to that position". Applicant only recites, "means for repeatedly and precisely positioning said nozzle substantially at a desired distance from said workpiece". Clearly, element 36 in Klingel is capable of repeatedly and precisely positioning the nozzle "substantially" at a desired distance from the workpiece.

Art Unit: 3724

b. Applicant argues that Klingel does not include means for ensuring that the position of the nozzle is repeated in a substantially identical manner.

i. However, bracket 37 is capable of ensuring that the position of the nozzle is repeated in a "substantially" identical manner, since it is capable of movement in the direction of arrow 39 by a spindle drive 38.

c. Applicant argues that Klingel does not disclose any means for precisely positioning the nozzle at a desired distance from the workpiece.

i. However, holder 36 is capable of precisely positioning the nozzle at a desired distance from the workpiece, since the position of the nozzle can be measured by any external means thereby providing indication of where to locate the holder.

d. Applicant argues that not only does claim 1 require that the nozzle be repeatedly positioned at a desired distance from the workpiece, but that it be precisely positioned, and that one preferred embodiment includes a proximity sensor.

i. However, claim 1 recites means for repeatedly and precisely positioning the nozzle at a desired distance from the workpiece. As mentioned above, holder 36 is capable of repeatedly and precisely positioning the nozzle at a desired distance from the workpiece, since the position of the nozzle can be measured by any external means thereby

Art Unit: 3724

providing indication of where to locate the holder. Also, it should be noted that the claims that recite the proximity sensor have been indicated as containing allowable subject matter(i.e., claims 5,8, and 15).

e. Applicant argues that in claim 14, the grit blasting nozzle must not only be repeatedly positioned in the desired location, but precisely positioned within the same desired position.

i. However, applicant never recites a step of repeatedly and precisely positioning the grit blasting nozzle. Applicant recites a first arm dimensioned and configured to removably secure a grit blasting nozzle assembly, and to repeatedly and precisely position the nozzle in substantially the same desired position. First arm 37 of Klingel is dimensioned and configured to removably secure a grit blasting nozzle assembly, and to repeatedly and precisely position the nozzle in substantially the same desired position.

Allowable Subject Matter

4. Claims 2,3,5-13, and 15 are allowed.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date

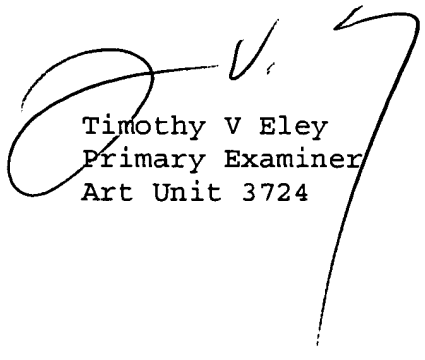
Art Unit: 3724

of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V Eley whose telephone number is 703-308-1824. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



Timothy V Eley
Primary Examiner
Art Unit 3724

tve